

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11276 of 2021

Babula Paik @ Babula Paika

Petitioner
Mr.S.K.Dash, Advocate

-versus-

State of Odisha

Opposite Party
Mr. P.C.Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

13.07.2022

Order No.

04.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as the learned Additional Standing Counsel for the State.
3. This is an application under Section 439 of the Criminal Procedure Code filed by the Petitioner to release him on regular bail in connection with Pattapur P.S. Case No.267 of 2021 corresponding to G.R.Case No.254 of 2021 pending in the Court of the learned Nyayadhikari, Gram Nayalaya-cum-J.M.F.C, Sanakhemundi for commission of an alleged offence under Sections 395 of the Indian Penal Code read with Section 25 (1-B)(a)/27 of the Arms Act.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner is languishing in jail custody since 27.08.2021 and after completion of investigation submitted charge sheet. It is also submitted by the learned counsel for the Petitioner that on the basis of the co-accused statement, he has been entangled in this case. It is also submitted by the learned counsel for the Petitioner that co-accused

persons have been released on bail by this Court. It is further submitted by the learned counsel for the Petitioner that since the Petitioner is a permanent inhabitant of Ganjam district, there is no chance of his absconding or fleeing from receiving justice. In the event of his release by this Court, the Petitioner shall appear before the trial court on each date of posting of the case and is ready and willing to abide by the terms and conditions that may be imposed by this Court.

5. Learned counsel for the State on the other hand opposes the prayer for bail of the Petitioner and submits that the offence alleged against the petitioner are heinous in nature and the petitioner should not be released on bail by this Court.

6. Considering the aforesaid submissions and keeping in view the entire facts of the case and the period of custodial detention of the Petitioner and keeping in view the fact that co-accused persons have been released on bail by this Court, this Court is inclined to grant bail to the Petitioner and it is directed that let the Petitioner be released on bail in the aforesaid case on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with two local solvent sureties each for the like amount each to the satisfaction of the learned court in seisin over the matter subject to the following terms and conditions:

- i) He shall not indulge himself in any similar nature of offence.
- ii) shall appear before the trial court on each and every date fixed by the trial court till conclusion of trial.
- iii) shall not tamper with the prosecution evidence.
- iv) shall not influence or threaten any prosecution witnesses while on bail.
- v) Violation of any of the terms and conditions shall entail cancellation of bail.

7. The trial court may impose any other condition(s) as deem fit and

proper.

8. It is further directed that the bail granted to the Petitioner is subject to the condition that learned court below shall verify whether the Petitioner has any criminal antecedents of similar nature. In the event it is found that the Petitioner has any criminal antecedents of similar nature, this bail order shall automatically stand revoked.

9. The Bail Application is accordingly disposed of.

10. Issue urgent certified copy of this order as per Rules.

RKS

